

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10142

Jack Rogers, et al

v.

Comcast Corporation, et al

CLERK'S CERTIFICATE

I, Tony Anastas, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/17/04.

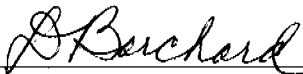
In testimony whereof, I hereunto set my hand and affix the seal of this Court on December 3, 2004.

Tony Anastas, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12/3/04.



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10142-EFH
Internal Use Only**

Rogers et al v. Comcast Corporation et al
Assigned to: Judge Edward F. Harrington
Lead Docket: 1:03-cv-12466-EFH
Related Case: 1:03-cv-12466-EFH
Case in other court: Middlesex Superior
Court, 03-04985
Cause: 15:1 Antitrust Litigation

Date Filed: 01/21/2004
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Jack Rogers

represented by **Alan I. Gilbert**
Heins, Mills & Olson, P.L.C.
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
612-338-4604
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

John P. Zavez
Adkins, Lelston & Zavez,
P.C.
90 Canal Street
5th Floor
Boston, MA 02114
(617)367-1040
LEAD ATTORNEY

*ATTORNEY TO BE
NOTICED*

Samuel D. Heins
Heins Mills & Olson, P.L.C.
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
612-338-4605
*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED*

Paul Pinella

represented by **Alan I. Gilbert**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED*

John P. Zavez
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED*

Samuel D. Heins
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE
NOTICED*

V.

Defendant

Comcast Corporation

represented by **Christopher Robinson**
Seyfarth Shaw

World Trade Center East
Suite 300
Two Seaport Lane
Boston, MA 02210-2028
617-9464990
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Mark A. Berthiaume
Seyfarth Shaw
Suite 300
World Trade Center East
Two Seaport Lane
Boston, MA 02210-2028
617-946-4990
Fax: 617-946-4801
Email:
mberthiaume@seyfarth.com
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Christopher F. Robertson
Seyfarth Shaw, LLP
Two Seaport Lane
Suite 300
Boston, MA 02210
617-946-4800
Email:
crobertson@seyfarth.com
ATTORNEY TO BE
NOTICED

AT&T Broadband

represented by **Christopher Robinson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE

NOTICED

Mark A. Berthiaume
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Christopher F. Robertson
(See above for address)
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
01/21/2004	<u>1</u>	NOTICE OF REMOVAL by AT&T Broadband, Comcast Corporation from Middlesex Superior, case number 03-4985. \$ 150, receipt number 53301, filed by AT&T Broadband, Comcast Corporation. (Attachments: # <u>1</u> Exhibit A-F (NOT SCANNED)) (Holahan, Sandra) (Entered: 01/27/2004)
01/21/2004	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge ALEXANDER. (Holahan, Sandra) (Entered: 01/27/2004)
01/26/2004	<u>2</u>	NOTICE by AT&T Broadband, Comcast Corporation re <u>1</u> Notice of Removal (Holahan, Sandra) (Entered: 01/27/2004)
01/27/2004	<u>3</u>	NOTICE of Scheduling Conference Scheduling Conference set for 3/23/2004 02:00 PM in Courtroom 19 before Edward F. Harrington. cc/cl (Holahan, Sandra) (Entered: 01/28/2004)

01/30/2004	<u>4</u>	CONSENTED TO MOTION for Extension of Time to 3/12/2004 to File Answer to complaint (which was filed in state court) by Comcast Corporation. (Holahan, Sandra) (Entered: 02/04/2004)
02/05/2004	•	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>4</u> Motion for Extension of Time to 3/12/2004 to Answer complaint by Comcast Corporation. (Holahan, Sandra) (Entered: 02/06/2004)
02/09/2004	<u>5</u>	STATE COURT Record AT&T Broadband served on 12/22/2003, answer due 1/12/2004; Comcast Corporation served on 12/22/2003, answer due 1/12/2004.. (Attachments: # <u>1</u> Part 2)(Holahan, Sandra) (Entered: 02/12/2004)
02/20/2004	<u>6</u>	MOTION to Remand to Middlesex Superior Court by Paul Pinella, Jack Rogers.(Holahan, Sandra) (Entered: 02/25/2004)
02/20/2004	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION to Remand filed by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 02/25/2004)
03/05/2004	<u>8</u> copy	MEMORANDUM in Opposition re <u>6</u> MOTION to Remand filed by AT&T Broadband, Comcast Corporation. (Hourihan, Lisa) (Entered: 03/08/2004)
03/12/2004	<u>9</u> copy	MOTION to Compel Arbitration by AT&T Broadband, Comcast Corporation. (Attachments: # <u>1</u> Exhibit 1-5 (NOT SCANNED))(Holahan, Sandra) (Entered: 03/16/2004)
03/12/2004	<u>10</u>	MEMORANDUM in Support re <u>9</u> MOTION to Compel filed by AT&T Broadband, Comcast Corporation. (Holahan, Sandra) (Entered: 03/16/2004)

		03/16/2004)
03/17/2004	● <u>11</u>	ASSENTED MOTION to Continue scheduling conference from 3/23/2004 to 3/30/2004 by Paul Pinella, Jack Rogers.(Holahan, Sandra) (Entered: 03/19/2004)
03/22/2004	●	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>11</u> Motion to Continue scheduling conference to 3/30/2004. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 03/25/2004)
03/24/2004	● <u>12</u>	ASSENTED MOTION for Extension of Time to 6/1/2004 to respond to motion to compel by Paul Pinella, Jack Rogers.(Holahan, Sandra) (Entered: 03/30/2004)
03/29/2004	● <u>15</u>	ASSENTED MOTION for Leave to Appear Pro Hac Vice by Samuel D. Heins and Alan I. Gilbert Filing fee \$ 100.00, receipt number 54888. by Paul Pinella, Jack Rogers.(Holahan, Sandra) (Entered: 04/07/2004)
03/29/2004	● <u>16</u>	DECLARATION of Alan I. Gilbert, Esq. re <u>15</u> MOTION for Leave to Appear Pro Hac Vice by Samuel D. Heins and Alan I. Gilbert Filing fee \$ 100.00, receipt number 54888. by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 04/07/2004)
03/29/2004	● <u>17</u>	DECLARATION of re <u>15</u> MOTION for Leave to Appear Pro Hac Vice by Samuel D. Heins and Alan I. Gilbert Filing fee \$ 100.00, receipt number 54888. by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 04/07/2004)
03/30/2004	●	ELECTRONIC Clerk's Notes for proceedings held before Judge Edward F. Harrington : Scheduling

		Conference held on 3/30/2004. (Court Reporter Debra Joyce.) Court will review motion to remand and decide forthwith. (Lyons, Philip) (Entered: 03/31/2004)
03/30/2004	●	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>12</u> Motion for Extension of Time to 6/1/2004. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 03/31/2004)
03/30/2004	● <u>14</u>	CORPORATE DISCLOSURE STATEMENT by AT&T Broadband, Comcast Corporation. (Holahan, Sandra) (Entered: 04/06/2004)
03/30/2004	● <u>18</u>	CORPORATE DISCLOSURE STATEMENT by AT&T Broadband, Comcast Corporation. (Holahan, Sandra) (Entered: 04/07/2004)
03/31/2004	● <u>13</u>	Judge Edward F. Harrington : ELECTRONIC ORDER entered denying <u>6</u> Motion to Remand. After hearing, the Court denies Plaintiffs' Motion for Remand at this time. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 04/01/2004)
04/09/2004	●	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>15</u> Motion for Leave to Appear Pro Hac Vice Added Samuel D. Heins for Paul Pinella and Jack Rogers, Alan I. Gilbert for Paul Pinella and Jack Rogers. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 04/09/2004)
05/06/2004	● <u>19</u>	ASSENTED MOTION for Extension of Time to 7/1/2004 to file response to motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 05/12/2004)
05/12/2004	●	Judge Edward F. Harrington : ELECTRONIC

		ORDER entered granting <u>19</u> Motion for Extension of Time to 7/1/2004. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 05/12/2004)
05/12/2004	<u>20</u>	MOTION for Protective Order by AT&T Broadband, Comcast Corporation.(Holahan, Sandra) (Entered: 05/14/2004)
05/12/2004	<u>21</u>	MEMORANDUM in Support re <u>20</u> MOTION for Protective Order filed by AT&T Broadband, Comcast Corporation. (Holahan, Sandra) (Entered: 05/14/2004)
05/19/2004	<u>22</u>	MEMORANDUM in Opposition re <u>20</u> MOTION for Protective Order filed by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 05/24/2004)
05/19/2004	<u>23</u>	DECLARATION of David Woodward re <u>22</u> Memorandum in Opposition to Motion for protective order by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 05/24/2004)
05/19/2004	<u>24</u>	DECLARATION of Jessica N. Servais re <u>22</u> Memorandum in Opposition to Motion fo protective order by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 05/24/2004)
05/27/2004		Judge Edward F. Harrington : ELECTRONIC ORDER entered denying <u>20</u> Motion for Protective Order. However, the Court emphasizes that the discovery it authorized at the 3/31/2004 pre-trial conference, is limited ONLY to matters related to arbitration. SO ORDERED. cc/cl (Holahan, Sandra) (Entered: 06/02/2004)
07/01/2004	<u>25</u>	Opposition re <u>9</u> MOTION to Compel arbitration filed by Paul Pinella, Jack Rogers. (Attachments: # <u>1</u> Part 2)(Holahan, Sandra) (Entered: 07/07/2004)

07/01/2004	<u>26</u>	DECLARATION Howard J. Sedran re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>27</u>	DECLARATION of Jessica N. Servais re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>28</u>	DECLARATION David Woodward re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>29</u>	DECLARATION of J. Owen Todd re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>30</u>	DECLARATION of John C. Beyer, PH.D. re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>31</u>	DECLARATION of Paul Pinella re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>32</u>	DECLARATION Jack Rogers re <u>25</u> Opposition to Motion by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/01/2004	<u>33</u>	MOTION for Leave to File memorandum in excess of 20 pages by Paul Pinella, Jack Rogers.(Holahan, Sandra) (Entered: 07/07/2004)
07/02/2004	<u>34</u>	CORRECTED Opposition re <u>9</u> MOTION to Compel arbitration filed by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 07/07/2004)
07/08/2004	•	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>33</u> Motion for Leave to

		File memorandum in excess of 20 pages. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 07/13/2004)
07/22/2004	<u>35</u> <i>cc/cl</i>	MOTION for Leave to File <i>a Reply Brief in Support of Their Motion to Compel Arbitration</i> by AT&T Broadband, Comcast Corporation.(Robertson, Christopher) (Entered: 07/22/2004)
07/22/2004	<u>36</u>	REPLY to Response to Motion re <u>9</u> MOTION to Compel filed by AT&T Broadband, Comcast Corporation. (Attachments: # <u>1</u> Exhibit 1 - Unpublished Opinion# <u>2</u> Exhibit 2 - Policies & Practices# <u>3</u> Exhibit 3 - Declaration of Chanida Oros# <u>4</u> Exhibit A to the Declaration of Chanida Oros)(Robertson, Christopher) Additional attachment(s) added on 8/5/2004 (Holahan, Sandra). (Entered: 07/22/2004)
08/03/2004	<u>37</u>	MOTION for Leave to File a surreply or, in the alternative, OPPOSITION to defendants' motion for leave to file a reply brief in support of their motion to compel arbitration by Paul Pinella, Jack Rogers. (Holahan, Sandra) (Entered: 08/10/2004)
08/30/2004	•	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>35</u> Motion for Leave to File a reply brief. MOTION ALLOWED. cc/cl (Holahan, Sandra) (Entered: 08/30/2004)
08/30/2004	•	Judge Edward F. Harrington : ELECTRONIC ORDER entered granting <u>37</u> Motion for Leave to File reply brief. MOTION TO FILE SURREPLY IS ALLOWED. cc/cl (Holahan, Sandra) (Entered: 08/30/2004)
10/19/2004	<u>38</u> <i>cc/cl</i>	Letter(non-motion) from Samuel D. Heins, Esq..

		(Holahan, Sandra) (Entered: 10/19/2004)
10/19/2004	●39 <i>copy</i>	Letter(non-motion) from Jaime A. Bianchi, Esq.. (Holahan, Sandra) (Entered: 10/19/2004)
10/20/2004	●40 <i>copy</i>	Letter(non-motion) from Alan I. Gilbert, Esq.. (Holahan, Sandra) (Entered: 10/21/2004)
10/21/2004	●41	Judge Edward F. Harrington : ORDER entered MEMORANDUM AND ORDER. The defendants filed a motion to compel arbitration in an antitrust case involving two plaintiffs who are the defendants' customers. The motion is DENIED. SO ORDERED. cc/cl(Holahan, Sandra) (Entered: 10/21/2004)
10/27/2004	●	NOTICE of Hearing: Status Conference set for 12/14/2004 02:00 PM in Courtroom 13 before Edward F. Harrington. (Holahan, Sandra) (Entered: 10/27/2004)
11/17/2004	●42	NOTICE OF APPEAL as to 41 Memorandum & ORDER, by AT&T Broadband, Comcast Corporation. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/7/2004. (Smith3, Dianne) (Entered: 11/23/2004)
11/17/2004	●	Filing fee: \$ 255.00, receipt number 60277 regarding Notice of Appeal-Doc. #42. (Bell, Marie) (Entered: 11/23/2004)
11/23/2004	●43 <i>copy</i>	ASSENTED TO MOTION for Leave to Appear Pro Hac Vice by Barry C. Barnett, John W. Turner and

		Ryan L. Nelson Filing fee \$ 150.00, receipt number 60351,60352,60353. by Paul Pinella, Jack Rogers. (Bell, Marie) (Entered: 11/30/2004)
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